

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
D'ANDRE MARKELL BROWN,  
Defendant.

Case No. 2:21-mj-00385-VCF

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is scheduled to be transported to a Bureau of Prisons facility for purposes of an evaluation.

2. Counsel for the defendant needs the additional time for said evaluation to be completed.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

## **ORDER**

IT IS THEREFORE ORDERED that the bench trial currently scheduled on August 18, 2021, at 9:00 a.m., be vacated and continued to October 27, 2021 at the hour of 9:00 am in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

DATED this 11<sup>th</sup> day of August 2021.

*Carl Raddatz*

UNITED STATES MAGISTRATE JUDGE